

(Compl. 3-4, Doc. No. 1) (spelling and punctuation errors in original). Plaintiff seeks compensatory and punitive damages.

Although he denies having begun any other lawsuit in state or federal court dealing with the same facts involved in this action (Compl. 1 ¶ 1A), Plaintiff filed a § 1983 Complaint against Defendants Fox and Kalinski on June 28, 2018, alleging deliberate indifference to his serious medical needs, see Compl., McClary v. Kalinski, et al., 5:18-cv-00102- FDW (W.D.N.C.), Doc. No. 1.¹ In that complaint, which is still pending before the Court, Plaintiff raises essentially the same claims against Defendants Kalinski and Fox, see id., as he does here. The only differences between the two Complaints is that the prior-in-time complaint has an additional defendant – FNU Lor, identified as a dietician at ACI – and the allegations cover only seven weeks, while the allegations in the instant Complaint cover the entire three months Plaintiff was at ACI.

Because the allegations in the instant Complaint either duplicate or expand the allegations against Fox and Kalinski in the previously-filed complaint, the Court will dismiss the instant Complaint without prejudice. Plaintiff may move to amend the complaint in the other pending action, No. 5:18-cv-00102-FDW, if he wishes to add claims or allegations against the defendants in that action.

IT IS, THEREFORE, ORDERED, that the application to proceed in forma pauperis (Doc. No. 2) is **GRANTED**.


IT IS FURTHER ORDERED that the 42 U.S.C. § 1983 Complaint (Doc. No. 1) is **DISMISSED without prejudice** as duplicative of a previously-filed action that is pending

¹ Plaintiff also falsely denies having begun any other lawsuits in state or federal court relating to his imprisonment (Compl. 1 ¶ 1A). In fact, since 2014, Plaintiff has filed at least 35 lawsuits in the Eastern and Western Districts of North Carolina, relating to his imprisonment. More than half of those cases are still pending. See PACER Case Locator, <https://pcl.uscourts.gov/pcl/pages/search/findParty.jsf>. Search criteria: Party Search; Last Name: McClary; First Name: Ronald; Jurisdiction Type: Civil; Party Roles: [PLA] (last viewed 9/4/18).

before this Court.

SO ORDERED.

Signed: September 5, 2018


Frank D. Whitney
Chief United States District Judge

